

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM
OCT 24 2005

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-99-00048

DATE: October 24, 2005

HON. WILLIAM ALSUP, Designated Judge

Court Reporter: Wanda Miles

Hearing Electronically Recorded: 10:28:35 - 10:50:55

Law Clerk: NONE PRESENT

Courtroom Deputy: Leilani Toves Hernandez

CSO: N. Edrosa

***** APPEARANCES *****

DEFT: JIN HONG CHEN

(X) PRESENT (X) CUSTODY () BOND () P.R.

ATTY: HOWARD TRAPP

(X) PRESENT (X) RETAINED () FPD () CJA APPOINTED

U.S. ATTORNEY: KARON JOHNSON

AGENT: MIKE HERNANDEZ, B.I.C.E.

U.S. PROBATION: CARLEEN BORJA

U.S. MARSHAL: J. CURRY

INTERPRETER: FOO MEE CHUN CLINARD

LANGUAGE: MANDARIN

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level:

Total offense level: 15

Criminal History Category: I

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Defendant's cooperation is a recognition of his actions.

() DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

Concur with the calculation in the Presentence Report and recommended a sentence of probation.

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Motion for Downward Departure argued by the Government.

The Court Granted the Government's Motion for Downward Departure.

(X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF 98 days with credit for time served.

(X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF THREE YEARS.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL BE TURNED OVER TO A DULY AUTHORIZED IMMIGRATION OFFICIAL FOR DEPORTATION PROCEEDINGS PURSUANT TO 18 U.S.C. §3583(d), AND WITH THE ESTABLISHED PROCEDURES PROVIDED BY THE IMMIGRATION AND NATURALIZATION ACT UNDER 8 U.S.C. §1101. AS A FURTHER CONDITION OF SUPERVISED RELEASE, IF ORDERED DEPORTED, HE SHALL REMAIN OUTSIDE THE UNITED STATES AND SHALL NOT RE-ENTER WITHOUT THE PERMISSION OF THE U.S. ATTORNEY GENERAL OR THE SECRETARY OF HOMELAND SECURITY. IF DEPORTATION FAILS TO OCCUR AND THE DEFENDANT IS RELEASED PENDING FURTHER IMMIGRATION PROCEEDINGS, HE SHALL IMMEDIATELY REPORT TO THE U.S. PROBATION OFFICE TO BEGIN HIS TERM OF SUPERVISED RELEASE.
2. DEFENDANT SHALL NOT COMMIT ANY FEDERAL, STATE, OR LOCAL CRIMES.
3. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
4. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES AND SHALL SUBMIT TO ONE URINALYSIS WITHIN 15 DAYS FROM TODAY AND TO TWO MORE URINALYSIS THEREAFTER.
5. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
6. DEFENDANT SHALL REFRAIN FROM THE USE OF ALL ALCOHOLIC BEVERAGES.
7. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. PROBATION OFFICE..

DEFENDANT WAS ORDERED TO IMMEDIATELY PAY A FINE OF \$4,000.00.

DEFENDANT ALSO ORDERED TO IMMEDIATELY PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF \$100.00.

PARTIES HAD NO OBJECTIONS TO THE SENTENCE IMPOSED.

DEFENDANT WAS ADVISED OF HIS APPEAL RIGHTS. DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL.

Courtroom Deputy: 